IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 17124 of 2004

Between:
K. Ramesh, S/o Bakkaiah,
R/o Suryapet, Nalgonda District.

.....
PETITIONER

AND

1 The Prohibition and Excise Superintendent,
Nalgonda District at Nalgonda.
2 The Commissioner of Prohibition and Excise,
Government of A.P., at Hyderabad.
3 The Government of A.P., rep. by its Secretary,
Revenue Excise Department,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the instructions of Commissioner of Prohibition & Excise, Govt. of A.P. Hyderabad in Cr.No. 1584/2004/CPE/G2 Dt. 08-9-2004 is contrary to Rule-25 of A.P. Indian Liquor and Foreign Liquor Rules 1970 and set aside the same as illegal and contrary to law and further direct the respondents to renew the licence of the petitioner M/s Kamakshi Wines No.3, D.No. 1-1-186, Tallagadda Road, Suryapet, Nalgonda District from 1-10-2004 to 31-3-2005 by accepting 1/3rd licence fee by way of cash challan and 2/3rd licence fee by way of Bank Guarantee as per Rule - 25 of A.P. Indian Liquor and Foreign Liquor Rules 1970.

Counsel for the Petitioner: MR.T.AMARNATH GOUD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The petitioner claims to be the licensee in Form IL 24 and running a retail wine shop in the name and style of M/s Kamakshi Wines No.3, situated at Suryapet, Nalgonda District. It is stated that the said licence is being renewed from time to time and it is valid upto 30-09-2004. In pursuance of the orders of the Government, dated 07-09-2004 the Commissioner of Prohibition and Excise, A.P., Hyderabad, issued a circular dated 08-09-2004, stating that the Government has ordered that all the IML licences in the State are extended for a period of six months from 01-10-2004 to 31-03-2005, at the option of the licensee by accepting six months licence fee in cash through challan. The said proceedings of the Commissioner of Prohibition and Excise are under challenge in this writ petition, contending inter alia that since Rule 25 (9) of the A.P Indian Liquor and Foreign Liquor Rules 1970 (for short 'the Rules'), enables the licensee to pay the licence fee in three equal installments, the impugned proceedings insisting the payment of the licence fee in one lumpsum being contrary to the statutory rules is unsustainable.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise, appearing for the respondents.

It is to be noted that under Rule 25(9) of the Rules the annual licence fees for a lease year shall be paid before the commencement of the lease year to which it relates in one lumpsum or in three equal installments or in a manner as notified from time to time. In the light of the said provision and since the petitioner states that he has already made an application before the respondents requesting to renew the licence by collecting one-third licence fees by way of cash and

remaining two-third by way of Bank guarantee, I am of the view that it would be appropriate for the respondents to consider the said request and to pass appropriate orders in accordance with law.

Accordingly, without expressing any opinion on merits, the Writ Petition is disposed of granting liberty to the petitioner to make a request before the first respondent-Prohibition and Excise Superintendent, Nalgonda, to permit him to pay the licence fees in installments, in which event the same shall be considered and disposed of by the 1st respondent, in accordance with law, as expeditiously as possible, preferably within a period of three days from the date of receipt of such representation.

Accordingly, the writ petition is disposed of. No costs.

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24-09-2004

Note: Issue C.C by tomorrow.
B/o.
vs

To
1 The Prohibition and Excise Superintendent,
Nalgonda District at Nalgonda.
2 The Commissioner of Prohibition and Excise,
Government of A.P., at Hyderabad.
3 The Secretary, Government of A.P.,
Revenue Excise Department,
Secretariat, Hyderabad.
4 Two CCs to the G.P for Prohibition and Excise,
High Court Buildings, Hyderabad(O.U.T).
5 Two CD copies.